

UNITED STATES DISTRICT COURT

District of Massachusetts (Eastern Division)

DIRECTV, INC.

Plaintiff,

vs.

Marcos Navarro

Defendant

) Case No.: **04-12407-NMG**

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**JOINT STATEMENT OF THE PARTIES
PURSUANT TO LOCAL RULE 16.1(D)**

Now comes the Plaintiff, DIRECTV, and the Defendant, Marcos Navarro and pursuant to Local Rule 16.1(D), do hereby submit the following Joint Statement to this Honorable Court.

I. PARTIES' CONFERENCE

John M. McLaughlin, Counsel for the Plaintiff and Attorney Sean Beagan of the office of Paul Gargano, Counsel for the Defendant, do hereby certify that they have teleconferenced to discuss the issues required pursuant to this rule on April 28, 2005.

II. SETTLEMENT PROPOSAL

Counsel for the Defendant, does hereby certify that he received a Settlement Proposal from the Plaintiff accompanying the Joint Statement, pursuant to Local rule 16.1(C). Counsel for the Plaintiff does hereby certify that he presented said Settlement Proposal to the Defendant. At this time, the Defendant is not in a position to accept the Plaintiff's demand for settlement of the above matter.

III. MEDIATION

The Parties agree to submit this dispute to non-binding mediation before a Senior Judge, Magistrate or Panel member pursuant to Local Rule 16.4(c)(4).

IV. JOINT STATEMENT AS TO DISCOVERY/MOTIONS

The following represents the Agreement of the Parties and is submitted to the Court such that the Court can utilize same in devising the Scheduling Order.

1. Discovery

- a. The Parties propose that all discovery be completed by August 1, 2005.
- b. The depositions of non-expert witnesses shall not exceed seven (7) hours per witness unless leave of the Court has been obtained or a written stipulation of the parties has been entered into to exceed said seven (7) hour limitation. The parties may also utilize subpoena duces tecum in conjunction with these non-expert depositions.
- c. The Parties propose that the written discovery shall include, but not limited to, interrogatories, requests for production, and requests for admissions. Pursuant to Fed. R. Civ. P. 33, interrogatories shall be limited to 25 in number, including sub-parts. Pursuant to Fed. R. Civ. P. 34, each person shall have the opportunity to submit two sets of requests for production of documents and things to the other party.
- d. The plaintiff shall disclose to Defendant, pursuant to Rule 26(a)(2)(B), all experts and expert reports by October 1, 2005. The Defendant shall disclose to Plaintiff, pursuant to Rule 26(a)(2)(B), all experts and expert reports October 15, 2005.

Motions

- A. All motions filed under Fed. R. Civ. P. 12, 13, 14, and 15 shall be filed no later than October 30, 2005. All motions pursuant to Fed. R. Civ. P. 56 shall be filed no later than November 14, 2005.

V. CERTIFICATION

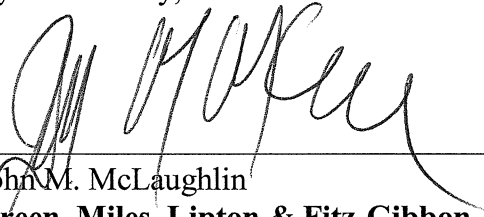
Counsel for the Plaintiff counsel for the Defendant and the Parties certify by their signatures below and all pursuant to Local Rule 16.1(D) that each Party and said Parties Counsel have conferred as to:

1. Establishing a budget for the cost of conducting the full course and various alternative courses of litigation; and,
2. To consider the resolution of litigation to the use of alternative dispute resolution programs.

VI. CONSENT TO APPEAR BEFORE A MAGISTRATE

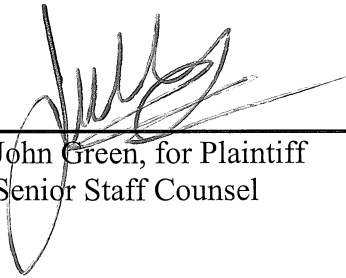
The Plaintiff and Defendant are amenable to Trial before a Magistrate.

Respectfully Submitted for the Plaintiff,
By Its Attorney,



John M. McLaughlin
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BBO No. 556328
jmclaughlin@greenmiles.com

4/28/05
Date



John Green, for Plaintiff
Senior Staff Counsel

Respectfully Submitted for the Defendant By His
Attorney,

A handwritten signature in black ink, appearing to read "Paul A. Gargano", is written over a horizontal line.

Attorney Paul A. Gargano
Thomas Graves Landing
Cambridge, MA 02141
(617) 621-1100
BBO No. 185560

The Defendant,

Marcos Navarro ---
Marcos Navarro